

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Tasman et al.

Application No.: 10/649,030

Confirmation No.: 5116

Filed: August 27, 2003

Art Unit: 2143

For: SYSTEMS AND METHODS FOR
FORWARDING DATA UNITS IN A
COMMUNICATIONS NETWORK

Examiner: A. A. Boutah

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed on April 24, 2008, Applicants submit the attached revised Appeal Brief.

The originally filed Appeal Brief met the requirements of 37 C.F.R. 41.37(c)(1)(vii). Specifically, the Appeal brief was found non-compliant for allegedly failing to provide separate headers for each ground of rejection and an alleged failure to refer to the relevant statutes and/or references. These allegations are false. The Final Action included two grounds of rejection, one based on an asserted failure to meet the Enablement requirement, and one based on prior art. The Argument section of the originally filed Appeal Brief included two headings. The first heading, labeled A, specifically referenced the Enablement rejection and the relevant claims. The heading was followed by a citation to the relevant statute. The second heading, labeled B, refers to the prior art rejections. The immediately following sentence cites to the relevant statute, 35 U.S.C. § 103. The relevant references were cited on the following page, as well as in the previous section labeled

"Grounds for Rejection To Be Reviewed on Appeal". Thus, the Appeal Brief as originally filed included separate headings for each ground of rejection, cited the relevant statutes, and cited to the relevant references, as required by the rules.

Notwithstanding the above, to move the Appeal process forward, Applicants have revised the Appeal Brief to more clearly identify the distinct grounds for rejection in the Grounds for Rejection To Be Reviewed on Appeal section and the corresponding section headers in the Argument section. In addition, Applicants have also reorganized the arguments in the Argument section to group claims being argued separately together and to provide corresponding headings.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-248 from which the undersigned is authorized to draw.

Dated: May 6, 2008

Respectfully submitted,

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